UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

KEITH EDWARD GLENN,)	
Movant,)	No. 3:08-0494
v.)	(Crim. No. 3:05cr00074) Judge Trauger
UNITED STATES OF AMERICA,)	Juage Tranger
Respondent.)	
	ORDER	

The court has before it a motion for federal *habeas corpus* relief filed by a *pro se* prisoner pursuant to 28 U.S.C. § 2255. (Docket Entry No. 1) The movant is a prisoner in the United States Penitentiary in Terre Haute, Indiana.

Under Rule 4(b), Rules – Section 2255 Proceedings, the court is required to examine a § 2255 motion to ascertain as a preliminary matter whether "it plainly appears from the motion, any attached exhibits, and the record of prior proceedings" the movant is entitled to relief. *Id.* at § (b). If the movant "is not entitled to relief, the judge must dismiss the motion" *Id*.

As provided in the Memorandum entered contemporaneously herewith, the motion and record of prior proceedings clearly show that the movant is not entitled to relief. Accordingly, the motion (Docket Entry No. 1) is **DENIED**, and this action is **DISMISSED**. Rule 8(a), Rules – Section 2255 Proceedings.

Should the movant file a notice of appeal, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability (COA). *Slack v. McDaniel*, 529 U.S. 473, 483 (2000); Rule 22(b), Fed. R. App. P. For the reasons explained in the accompanying Memorandum, a COA will **NOT** issue. *See* 28 U.S.C. § 2253(c)(2); *Slack*, 529 U.S. 483-84; *Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002); *Murphy v. Ohio*, 263 F.3d 466, 467

(6th Cir. 2001); *Porterfield v. Bell*, 258 F.3d 484, 485-87 (6th Cir. 2001); *Lyons v. Ohio Adult Parole Auth.*, 105 F.3d 1063, 1073 (6th Cir. 1997)(overruled in part on other grounds by *Lindh v. Murphy*, 521 U.S. 320, 326-27 (1997)).

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.

Aleta A. Trauger

United States District Judge